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Paper No.

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MAY 12 2006

OFFICE OF PETITIONS

In re Application of :
Sang Kyun Park : DECISION ON PETITION
Application No. 10/720,849 :
Filed: November 24, 2003 :
Atty Docket No. 29936/39762 :

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181," filed November 17, 2005.

The above-identified application became abandoned for failure to timely pay the required issue fee (and publication fee) within the statutory period of three (3) months from the mailing date, February 18, 2005, of the Notice of Allowance and Fee(s) Due. No extensions of time are permitted for transmitting issue fees (or publication fees). Accordingly, the above-identified application became abandoned on May 19, 2005. A courtesy Notice of Abandonment was mailed on October 13, 2005.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The instant petition was promptly filed. Petitioner asserts that the Notice of Allowance was never received at the Marshall, Gerstein and Borun law firm (whose address was at the time of mailing of the Notice, and continues to be, the correspondence address of record). The petition includes a copy of the law firm's electronic database docket for this application, showing where the Notice would have been entered had it been received; and the declaration of attorney of record James Zeller, attesting on a personal knowledge basis that the Notice was never received.

In view thereof, the Notice of Abandonment is hereby vacated, and the holding of abandonment is withdrawn. A new Notice of Allowance and Fee(s) Due will be mailed and the period for reply will be re-started.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 2818 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff for mailing of a new Notice of Allowance and Fee(s) Due, as well as, for re-mailing of the Notice of Allowability. The three (3) month nonextendable time period for responding to the Notices, including paying the Issue Fee, will be set to run from the mailing date of the new Notices.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



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